

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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**Rebecca Sutton  
1734 Berdan Ave  
Toledo, OH 43613**

**Plaintiff,  
v.**

**Navient Solutions, Inc. aka Sallie Mae  
300 Continental Drive  
Newark, DE 19713**

: CASE NO.: \_\_\_\_\_  
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: JUDGE  
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: **COMPLAINT**  
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: **A Trial by the Maximum Number of Jurors**  
: **is hereby Demanded**  
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Here comes Plaintiff Rebecca Sutton and sets forth a *Complaint* against Defendant Navient Solutions, Inc. aka Sallie Mae as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the "TCPA").

2. Venue is proper in this District pursuant to 28 U.S.C. § 1331, in that Defendant transacts business here and a substantial portion of the acts giving rise to this action occurred here.

**PARTIES**

3. Plaintiff, Rebecca Sutton (hereafter "Plaintiff"), is an adult individual whose residence is in Toledo, Ohio, and is a "person" as the term is defined by 47 U.S.C. § 153(39).

4. Defendant, Navient Solutions, Inc. aka Sallie Mae ("Navient"), is a Delaware business entity with an address of 300 Continental Drive, Newark, Delaware 19713, and is a "person" as the term is defined by 47 U.S.C. § 153(39).

## **FACTS**

5. Within the last four years, Navient began calling Plaintiff's cellular telephone, number 419-xxx-1940, using an automatic telephone dialer system ("ATDS" or "predictive dialer") and using an artificial prerecorded voice.

6. When Plaintiff answered the calls from Navient, she heard a prerecorded message.

7. On or about August 24, 2016, Plaintiff spoke with a live representative and demanded that all calls to her cellular telephone stop.

8. Nevertheless, Navient continued to place automated calls to Plaintiff's cellular telephone number.

9. Navient's calls directly interfered with Plaintiff's right to peacefully enjoy a service for which Plaintiff pays.

## **COUNT I** **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –** **47 U.S.C. § 227, et seq.**

10. At all times mentioned herein, Defendant called Plaintiff's cellular telephone number using an ATDS or predictive dialer and/or using a prerecorded or artificial voice.

11. Defendant continued to place automated calls to Plaintiff's cellular telephone number despite knowing that it lacked consent to do so. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

12. The telephone number called by Defendant was assigned to a cellular telephone service for which Plaintiff incurs charges pursuant to 47 U.S.C. § 227(b)(1).

13. Plaintiff was annoyed, harassed and inconvenienced by the continued calls.

14. The calls from Defendant to Plaintiff were not placed for "emergency purposes"

as defined by 47 U.S.C. § 227(b)(1)(A)(i).

15. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

16. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief as this Court may determine to be just and proper.

Dated: December 28, 2016

Respectfully submitted,

By: /s/ Sergei Lemberg

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Attorneys for Plaintiff:  
Rebecca Sutton

**JURY DEMAND**

Plaintiff hereby makes a demand for trial by the maximum number of jurors allowed by law, on all triable issues.

/s/ Sergei Lemberg  
Sergei Lemberg, Esq.